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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

MCLEAN MAYO, KIMBERLY N

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2187

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DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/527,424

Applicant(s)

KOHLER ET AL.

Examiner

Kimberly N. McLean-Mayo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. The enclosed detailed action is in response to the Appeal Brief submitted on June 16, 2003 and considers the After-Final Amendment submitted December 29, 2002.

Response to Arguments

2. In view of the Appeal Brief filed on June 16, 2003, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-12, 14-24, 26-27 and 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukumoto (USPN: 6,000,004).

Regarding claims 1, 3, 6, 8, 12, 16-17, 19, 24-27 and 29-32, Fukumoto discloses a method of at least one of erasing and programming information in a memory arrangement of a computer, comprising providing an identifier (Figure 1, comprised of References 1a,1b in each block) into an area of the memory arrangement (block) that is to be at least one of erasing and programming of the memory management, the identifier identifying a correct at least one of erasing and programming of the memory arrangement (C 10, L 66-67; C 11, L 1-5, L 12-16; C 12, L 40-46); and altering the identifier in the memory arrangement before at least one of erasing and programming the information (C 13, L 64-67; C 14, L 1-15 – the identifier is altered via the altering of EC and/or BP during a previous erase or program operation before a current erasing or programming of information).

Regarding claims 4-5 and 14-15, Fukumoto discloses entering the identifier into a further area of the memory arrangement (Figure 2), the further area being erased and/or programmed only after erasing and/or programming of the area (C 14, L 37-57).

Regarding claims 7 and 19, Fukumoto discloses altering the identifier so that the identifier is unidentifiable (C 13, L 64-67; C 14, L 1-15 the identifier is erased and is therefore, unidentifiable).

Regarding claims 9 and 21, Fukumoto discloses checking the identifier after at least one of (a) an interruption [abnormal end] on at least one of erasing and programming and (b) at least one of

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erasing and programming the memory arrangement (C 18, L 12-29 – when an abnormal end occurs, the identifier is checked to see if EC has been set [written] and if not a re-erase is performed).

Regarding claims 10 and 22, Fukumoto disclose storing the interruption with a flag in the memory arrangement (Figure 2, Reference VPPS; C 14, L 58-60 – causes an abnormal end since it causes an operation to stop because of an abnormal decrease in the power supply voltage.)

Regarding claims 11 and 23, Fukumoto discloses checking and analyzing at least one of the identifier and the flag before at least one of erasing and programming (C 15, L 9-22).

Regarding claim 18, Fukumoto discloses selecting the identifier as at least one section of a predetermined length (C 16, L 32-46).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 13, 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumoto (USPN: 6,000,004).

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Fukumoto discloses the limitations cited above in claims 1, 12, 24 and 27, however, Fukumoto does not disclose a computer control unit in a motor vehicle having the memory arrangement of claim 1. However, it is well known in the art to use memory devices in a computer control unit in a motor vehicle. The features taught by Fukumoto provide memory protection to prevent unintentional erasures or programming of data. Hence, it would have been obvious to one of ordinary skill in the art to use the memory arrangement having the above features in a computer control unit in a motor vehicle for the desirable purpose of providing data protection, accuracy and reliability.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dalvi et al – USPN : US 2001/0011318 – status indicators for flash memory.

Takeuchi – USPN: 6,055,188 – indicating a complete erase operation.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly N. McLean-Mayo whose telephone number is 703-308-9592. The examiner can normally be reached on M-F (9:00 - 6:30) First Friday Off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 703-308-1756. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2100.


Kimberly N. McLean-Mayo
Examiner
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KIMBERLY MCLEAN-MAYO
PRIMARY EXAMINER

KNM

September 8, 2003